

Appl. No. 10/026,179
Amdt. dated February 25, 2004
Reply to Office Action of November 25, 2003

Remarks

This Amendment is responsive to the Office Action dated 25-Nov-03. Claims 1-25 are in the application, and none has been allowed or indicated as allowable. Claims 1, 2, 5, 6, 10-12, 20, 21 and 23-25 stand rejected as unpatentable under 35U.S.C.102(b) as anticipated by USP 4,487,796 ("Lloyd"). Claims 1, 2, 5-7, 10, 13, 14, 20, 21, and 23-25 stand rejected under 35U.S.C.103(a) as unpatentable over USP 4,125,659 ("Klowak") in view of USP 5,094,717 ("Manning"). Claim 3 stands rejected under 35U.S.C.103(a) as unpatentable over Klowak in view of Manning as applied and taken with USP 6,197,404 ("Varona"). Claim 4 stands rejected under 35U.S.C.103(a) as unpatentable over Lloyd as applied further in view of USP 5,145,727 ("Potts") or USP 5,770,531 ("Sudduth"). Claim 8 stands rejected under 35U.S.C.103(a) as unpatentable over Klowak in view of Manning and further in view of Varona. Claim 9 stands rejected under 35U.S.C.103(a) as unpatentable over Lloyd in view of USP 6,589,892 ("Smith"). Claims 15-18 and 22 stand rejected under 35U.S.C.103(a) as unpatentable over Klowak in view of Manning and further in view of Varona. Claim 19 stands rejected under 35U.S.C.103(a) as unpatentable over Lloyd in view of Smith and further in view of Varona.

Claim 1 has been amended to more particularly point out and distinctly claim the invention by specifying the continuous nature of the thermoplastic fibers in Applicants' nonwoven web. Claims 7, 10 and 18 have been amended to correct inadvertent and obvious spelling errors, and Claim 25 has been amended to correct an obvious error in dependency helpfully noted by the Examiner. Support for the amendment to Claim 1 may be found in Applicants' specification, for example, at page 4, line 14. Reconsideration of the rejections in light of the amendments and the following remarks is respectfully requested.

The present invention is directed to a nonwoven pattern bonding and creping process and resulting product where the bonding and creping steps for the continuous thermoplastic fiber nonwoven take place on the same roll. Advantageous embodiments include particular adhesives for creping and particular bonding steps as well as a step creping both sides of the nonwoven.

Claim 1 calls for adhering a continuous thermoplastic filament web to a roll, pattern bonding in a nip formed on the roll, and then creping to remove the nonwoven from the roll. Klowak is directed to a paper creping process where the web is uniformly adhered to a creping roll and compressing the web in a pattern prior to creping. There is no teaching of a pattern bonding step applied to a continuous thermoplastic filament nonwoven followed by creping from the same roll. The pattern compression following a uniform application of adhesive is not a bonding step but is to achieve a patterned creped

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appearance (col. 4, li. 59). Citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) MPEP 2131 provides "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. An anticipating reference must describe the [patented] subject matter with sufficient clarity and detail to establish that the subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention. [Citations omitted.] *Crown Operations International, Ltd. v. Solutia Inc.* CAFC 289 F.3d 1367 (2002). Anticipation by inherent disclosure is appropriate only when the reference discloses prior art that must *necessarily* include the unstated limitations. [Citation omitted.] [Emphasis in original.] *Transclean Corporation v. Bridgewood Services, Inc.* 2002 WL 1012878, -- F.3d -- (2002). Applicants respectfully submit that the rejection of Claim 1 and claims dependent thereon under 35U.S.C.102(b) over Klowak has been shown to be in error, and withdrawal is respectfully requested.

The rejection of Claims 1, 2, 5-7, 10, 13, 14, 20, 21 and 23-25 under 35U.S.C.103(a) based on Klowak in view of Manning is also believed to be in error. Manning is also directed to creping of paper-like structures, in this case formed by a wellaid process. While the structures contain synthetic bicomponent fibers, they have lengths of from about 0.5 inch to about 1.25 inches (col. 4, li. 21) which clearly teaches away from the continuous thermoplastic filament nonwoven webs of the present invention. The teachings relating to pattern bonding followed by creping from the same roll that are lacking in Klowak are not taught or suggested by Manning. Accordingly, a *prima facie* case has not been established with respect to Claim 1 and claims dependent thereon, and withdrawal of the rejection is respectfully requested.

The rejection of Claim 3 under 35U.S.C.103(a) based on Klowak in view of Manning further taken with Varona is believed to be in error for the same reasons. In addition, it is respectfully submitted that the teachings of Varona with respect to creping of nonwovens would not be combinable with the teachings of Klowak and Manning with respect to creping of paper-like webs. The Varona nonwoven webs are prebonded and not pattern bonded on the creping roll as in the present invention, nor is there a suggestion in Varona taken alone or in any combination with Klowak and/or Manning that would lead one of skill to such a process. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 4 under 35U.S.C.103(a) based on Lloyd in view of Potts or Sudduth is believed to be in error for the same reasons urged with respect to the rejection of Claim 1. Sudduth is not believed properly combined with Lloyd as directed to different arts, nonwovens and tissue, respectively. However, even if combined, Sudduth fails to supply the teachings with respect to pattern bonding and

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creeping from the same roll as are lacking in Lloyd discussed above. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 8 under 35U.S.C.103(a) based on Klowak and Manning in view of Varona is believed to be in error for the same reasons urged with respect to the rejection of Claim 5. Applicants' embodiment using a hot melt adhesive is believed patentable along with Claim 5 from which it depends. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 9 under 35U.S.C.103(a) based on Lloyd in view of Smith is believed to be in error for all the reasons urged with respect to the rejection of Claim 1 and further because Smith is not believed properly combined with Lloyd as directed to different arts, tissue and nonwovens, respectively. Further, Smith fails to supply the teachings lacking in Lloyd discussed above. Withdrawal of this rejection is respectfully requested.

The rejection of Claims 15-18 and 22 under 35U.S.C.103(a) based on Klowak and Manning is believed to be in error for all the reasons urged with respect to the rejection of Claim 1 from which these claims ultimately depend. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 19 under 35U.S.C.103(a) based on Lloyd in view of Smith and Varona is believed to be in error for all the reasons urged with respect to the rejection of Claim 1 and Claim 9 from which these claims depend. Withdrawal of this rejection is respectfully requested.

This paper is intended to be fully responsive to the Office Action. However, if any issues remain, the Examiner is invited to contact the undersigned by phone so that they may be promptly resolved.

In summary, this application is believed to be in condition for allowance, and such favorable action is respectfully solicited.

The undersigned may be reached at 770-587-8096.

Respectfully submitted,

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